

V. SNPLMA/FLTFA RECOMMENDATION DEVELOPMENT PROCESS

The Recommendation Development Process explains the steps involved in assembling a recommendation for the Secretaries as to how the revenue in the Special Accounts would be spent with approval. This process includes the organizational entities described in Section III and provides several opportunities for Federal, State or local governmental entities or other interested parties to participate. Figure 2 depicts the SNPLMA process and typical duration of the various stages of the process. Each step in the process is then described in more detail. The Executive Committee will determine when to open the next round. The Lake Tahoe Recommendation Process is separate but generally parallel to the SNPLMA process and is described in section VI of this document.

Nomination Period

The timing and duration of the nomination period for each round will be established by the Executive Committee. During the nomination period, eligible entities may prepare nomination packages according to the published nomination package requirements for submittal to the SNPLMA Division by the close of the nomination period.

Project nominations must meet eligibility requirements in terms of both entity and location. The eligible entities for each project category are identified below. Eligible locations are also discussed. Where an eligible location is a specific facility/area, the project must be conducted only on land that is officially part of that facility/area. Such facilities/areas may have internal boundary areas resulting from in-holdings which are either privately or publicly owned and not officially part of the facility/area. Eligible Federal agencies shall, if necessary, refer to originating legislation and amendments to determine whether facilities within eligible areas are located on land that is official part of the eligible area, or an in-holding. Eligible entities may not “sponsor” projects for other entities. Eligible entities remain responsible for carrying out all projects including management of project funds and demonstrated results. Special considerations regarding these restrictions are discussed under each category below.

A. Nomination for Acquisition of Environmentally Sensitive Land or Interests in Land

The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service and USDA Forest Service may receive funding for acquisition of environmentally sensitive lands and interests in land. Any entity or interested party may nominate land and/or interest in land (such as conservation easements, water rights, mineral rights, etc.) for acquisition provided the nomination includes a willing seller letter signed by the owner of record and a statement from the acquiring eligible agency supporting the nomination. The format for the willing seller letter and agency statement will be provided in the nomination package requirements.

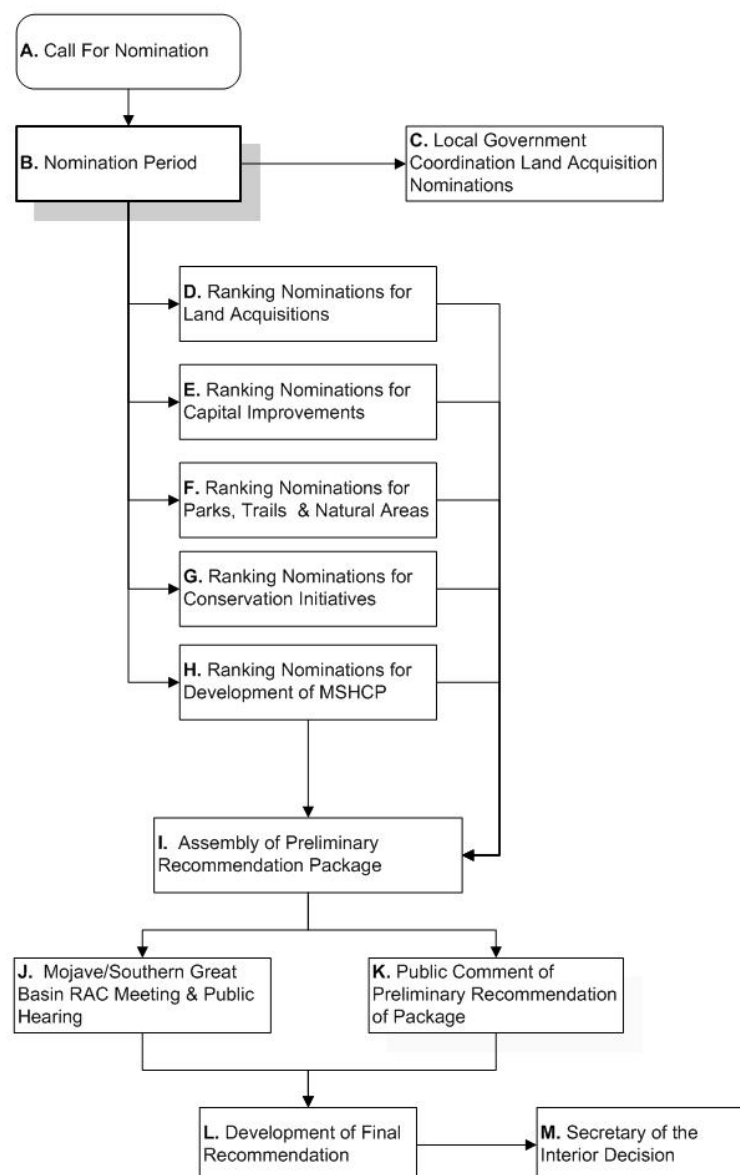
Nomination of Conservation Easements as an Interest in Environmentally Sensitive Land.

Unless there are existing easements on similar properties that are considered applicable to the nominated property, no definitive terms and conditions for the proposed easement will be available for inclusion in the nomination. As the negotiation and development of a pro forma

FIGURE 2

**Process Flow Chart
Allocation of the Special Reserve**

Note: Bold/Shaded boxes indicate opportunities for the State of Nevada, local government, and interested parties to participate



easement is a major component of the processing acquisition of an easement, these actions should not be completed prior to approval of the nomination. Therefore, at the time of nomination, the easement must be described in conceptual terms. The nomination shall address the anticipated conservation easement in terms of:

- The resources to be protected,
- The primary rights to be acquired by the Federal agency,
- Protective actions to be granted to the Federal agency,
- The uses the landowner wishes to continue,
- The restrictions to be placed on the landowner,
- Geographic boundaries of the proposed easement,
- Responses to nomination assessment questions are to explain how the easement relates to the subject of the question (e.g., how the described resources are expected to be protected by the easement, how then easement will enhance or otherwise impact management of Federal lands, etc.), and
- Expected term of the easement (e.g., in perpetuity or specified number of years).

However, the agency and owner should not be limited by this initial description of the easement if it is determined during processing that additional restrictions are necessary to fulfill the purpose of the easement. The landowner's statement should include an acknowledgment that additional terms may be necessary for the easement to be acceptable to the acquiring agency.

In responding to nomination assessment question, the nominating entity should specifically address how the conservation easement applies or does not apply to each assessment question. For example, discussions of resource values should explain how the conservation easement is expected to protect those resource values. Each property having different owners should be a separate nomination, not grouped together.

Because of the need to establish the baseline conditions and the expected long-term costs and workload of monitoring and managing an easement, these costs should be addressed in the Acquiring Agency's Statement for conservation easements

B. Nomination of Capital Improvement Projects

The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service and USDA Forest Service may receive funding for Capital Improvement projects. BLM projects must be at the Red Rock Canyon National Conservation Area or other areas administered by the BLM in Clark and Lincoln Counties. NPS projects must be at the Lake Mead National Recreation Area (LMNRA). FS projects must be carried out at the Spring Mountains National Recreation Area. FWS projects must be carried out at the Desert National Wildlife Refuge [Complex]. NPS, FS, and FWS projects cannot be conducted on private or public in-holdings within the boundary of the eligible area which are not officially part of the eligible area. Only these four Federal land management agencies may submit nominations and receive funds for capital improvements.

Beginning in Round 7, nominations for project construction where LEED standards exist, should address those standards for the project, and the cost analysis and feasibility of constructing the project to meet those LEED standards.

C. Nomination of Park Trail and Natural Area Projects

Units of local government (Clark County, the City of Las Vegas, the City of North Las Vegas, the City of Henderson, and Lincoln County) as well as regional government entities (Southern Nevada Water Authority, the Regional Flood Control District or the Clark County Sanitation District formerly referred to as the Clark County Water Reclamation District) may receive funding for PTNA projects pursuant to a Cooperative Agreement with BLM as required in the SNPLMA. Only the eligible entities may submit nominations for PTNA projects. Local and regional governmental entities will as part of their planning process consult with BLM prior to submitting a nomination regarding impacts of proposed projects on Federal lands and any application approvals which will be required for the project (e.g., R&PP leases, NEPA, Section 106 consultations, etc.).

Eligible entities may not nominate PTNA projects on land owned by the State of Nevada or other entities. Local and regional governmental entities may nominate projects on land leased to the State of Nevada or other not-for-profit/non-profit entities for management purposes so long as the following criteria are met: (a) the local/regional governmental entity maintains full title and ownership of the land on which the project will be constructed; (b) the local/regional governmental entity will maintain ownership of the facilities constructed using SNPLMA funds, (c) the local/regional governmental entity maintains ultimate responsibility to ensure proper maintenance and operation of SNPLMA funded projects/facilities.

D. Nomination of MSHCP Projects

Clark County, BLM, NPS, FWS, and FS are eligible for funding for MSHCP development projects. Only these eligible entities may submit nominations in this category. Clark County may accept nomination proposals from other entities, but, in these cases, Clark County remains the official nominating entity and eligible recipient for approved funds.

E. Nomination of Conservation Initiative Projects

The BLM, NPS, FWS, FS and BOR are eligible for funding for Conservation Initiative projects on Federal land in Clark and Lincoln Counties administered by the Department of the Interior and Department of Agriculture. Only these eligible entities may submit nominations for conservation initiatives.

Beginning with Round 7, nominations for conservation initiative projects shall discuss the methods and techniques the agency(ies) plan to use to disseminate the results of the proposed project including survey results, educational and research formats, data, processes, etc., to other federal and non-federal entities within Nevada and elsewhere.

SNPLMA Nominations—General Requirements

Nominations for all categories except Lake Tahoe Restoration Projects must be submitted to the SNPLMA Division, BLM Las Vegas Field Office by the due date specified during each nomination round. Late packages will not be accepted. Nomination packages must meet minimum requirements, as well as include all information and documentation identified in the applicable “nomination package requirements” published by the SNPLMA Division for each round. The SNPLMA Division will review the nomination packages for completeness. Time permitting, nominators will be notified regarding incomplete packages and given an opportunity to supply missing information. Packages that remain incomplete will not be accepted.

Agencies/entities should develop project cost estimates which take into account cost escalations between the time the project is nominated and when it is implemented.

Entities nominating environmentally sensitive lands for acquisition are required to provide advance notice to the affected local jurisdictions of their intent to nominate, including a description of the resources, number of acres, location, and other relevant information. This notification begins the process of consultation and is meant to satisfy, in part, the consultation requirement in the SNPLMA, which states that:

“Before initiating efforts to acquire land...the Secretary [of the Interior] or the Secretary of Agriculture shall consult with the State of Nevada and with local governments within whose jurisdiction the lands are located, including appropriate planning and regulatory agencies, and with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition.”

This opportunity is also meant to satisfy, in part, the consultation requirement in the FLTFA MOU, which states that:

"The acquiring agency shall coordinate potential purchases with State and local governments, Tribes, landowners, and other interested parties in order to ensure that each party is informed in a timely manner and afforded an opportunity to comment before a final decision to acquire a property or an interest therein occurs."

Copies of the completed land acquisition nomination packages are to be forwarded to the affected local governments by the proposed acquiring agency as soon as possible, but no later than 30 days after the close of the nomination period.

Complete packages accepted for Capital Improvements; Park, Trail and Natural Areas; Conservation Initiatives, and Land Acquisitions are forwarded to the respective sub-group for review and ranking based on the applicable criteria. Executive summaries of the nominated projects and a table listing all projects with funding requested will be made available on the SNPLMA website prior to the Partners Working Group meeting to develop the preliminary recommendation. A formal public review and comment period will be conducted to obtain public and local and State government comments on the Preliminary Recommendation.

However, all interested parties may, if they wish, submit comments from the time the information is placed on the SNPLMA web site through the end of the formal public comment period.

Ranking Nominations

A. Ranking Nominations for Acquisition of Land and/or Interests in Land

The Land Acquisition Subgroup will apply the criteria in this Implementation Agreement (Appendix C) to score and rank nominations for acquisition of land and/or interest in land, determine the eligibility of the nominations for funding under each Act, and make recommendations as to the most appropriate funding source(s) for each nomination. Funding for a nomination may be considered from one or both of the Special Accounts, as applicable.

B. Ranking Nominations for Capital Improvements

The Capital Improvements Subgroup will apply the criteria in this Implementation Agreement (Appendix D) to screen and rank proposals for capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge Complex, the Red Rock Canyon National Conservation Area and other areas administered by the BLM in Clark and Lincoln Counties, and the Spring Mountain National Recreation Area. The Subgroup shall submit a recommendation to the Partners Working Group. The recommendation shall include all projects regardless of ranking but may be separated into a list of projects recommended for funding and a separate list of any projects, along with the rationale, which are not being recommended for funding. The Partners Working Group will review the subgroup's recommendations and rationale during the development of their Preliminary Recommendation to the Executive Committee.

C. Ranking Nominations for Parks, Trails, and Natural Areas

The Parks, Trails, and Natural Areas Subgroup will apply the criteria in the Implementation Agreement (Appendix E) to screen proposals and forward recommendations to the Partners Working Group related to the development of parks, trails, and natural areas in Clark and Lincoln Counties pursuant to a cooperative agreement with a unit of local and/or regional governmental entity. The subgroup's recommendation shall include all projects regardless of ranking and may be separated into a list of projects recommended for funding, and a separate list of any projects, along with the rationale, which are not being recommended for funding. The Partners Working Group will review the subgroup's recommendations and rationale during the development of their Preliminary Recommendation to the Executive Committee.

D. Ranking Nominations for Development of Multi-Species Habitat Conservation Plans

As the MSHCP Subgroup, the Clark County MSHCP Advisory Committee will assemble a recommendation of MSHCP Projects in priority order using the criteria and requirements listed in Appendix F. The subgroup's recommendation shall include all projects regardless of ranking and may be separated into a list of projects recommended for funding, and a separate list of any projects, along with the rationale, which are not being recommended for funding. The Partners

Working Group will review the Subgroups' recommendations and rationale during the development of their Preliminary Recommendations to the Executive Committee.

E. Ranking Nominations for Conservation Initiatives

The Conservation Initiatives Subgroup will apply the criteria in the Implementation Agreement (Appendix G) to screen and rank proposals for conservation initiatives on Federal land in Clark and Lincoln Counties, Nevada, administered by the Department of the Interior or the Department of Agriculture. The subgroup's recommendation shall include all projects regardless of ranking and may be separated into a list of projects recommended for funding, and a separate list of any projects, along with the rationale, which are not being recommended for funding. The Partners Working Group will review the Subgroups' recommendations and rationale during the development of their Preliminary Recommendations to the Executive Committee.

Assembling SNPLMA and FLTFA Preliminary Recommendation Package

The Partners Working Group will develop a Preliminary Recommendation package for the Executive Committee that includes, but is not limited to: 1) funding levels for all of the SNPLMA and FLTFA expenditure categories, taking into account the projected balances of the Special Accounts; 2) a recommendation for a prioritized list of land acquisition projects submitted from the Land Acquisition Subgroup and recommended funding source(s) for each property, explaining any modifications from the subgroup recommendation; and 3) a recommendation for prioritized lists of projects submitted from each Subgroup for Capital Improvements; Parks, Trails, and Natural Areas; MSHCP Development, and Conservation Initiatives explaining any modifications from the subgroup recommendation. Each category in the Preliminary Recommendation Package may be divided into those projects which are recommended for funding, those recommended with certain conditions, those not recommended, and those which are deemed not to qualify under a given category. Project nominations which are withdrawn, for whatever reason, by the nominating entity prior to development of the Preliminary Recommendation Package will not be addressed in the recommendation package or forwarded to the Executive Committee.

Public Review of the SNPLMA/FLTFA Preliminary Recommendation Package

The Preliminary Recommendation is made public for a 30- to 60-day comment period. It is also sent to the eligible Federal agencies, local/regional governmental entities, State, and affected Counties in Nevada. This opportunity for comment is meant to satisfy, in part, the requirement in the SNPLMA that:

“The Secretary [of the Interior] shall coordinate the use of the special account [SNPLMA Special Account] with the Secretary of Agriculture, the State of Nevada, local governments, and other interested persons, to ensure accountability and demonstrated results.”

This opportunity is also meant to satisfy the consultation requirement in the FLTFA MOU, which states that:

"The acquiring agency shall coordinate potential purchases with State and local governments, Tribes, landowners, and other interested parties in order to ensure that each party is informed in a timely manner and afforded an opportunity to comment before a final decision to acquire a property or an interest therein occurs."

Development of SNPLMA Final Recommendation and Nevada FLTFA Final Recommendation

A. SNPLMA Final Recommendation

The Executive Committee considers the recommendations of the Partners Working Group and the comments received during up through the end of the public comment period and assembles a SNPLMA Final Recommendation and a Nevada FLTFA Recommendation. In developing the Final Recommendation, the Executive Committee has the authority to make changes from what was included in the Preliminary Recommendation such as altering the priority order and adding or deleting nominated projects or acquisitions based on information and circumstances not reflected in the funding criteria, and adjusting funding recommendations. The SNPLMA Final Recommendation specifies the lands and/or interests in land recommended for acquisition and the projects recommended for funding under the other expenditure categories pursuant to the SNPLMA. The Nevada FLTFA Recommendation specifies the lands and/or interests in land recommended for acquisition under the FLTFA. Both recommendations provide a maximum budget for each category based upon the estimated costs of allowable expenses and projected revenues.

Because the allocation of funds is based on estimated costs, it is expected that actual costs will vary. In order to ensure that funds are available to complete projects, the recommended budget for each category, with the exception of land acquisitions, will also include a percentage contingency amount per project. Approval to allow a percentage contingency for land acquisitions will also be requested, but that amount will not be included in the land acquisition budget because the funds needed to cover the contingency for lands is expected to be made up from acquisitions that are terminated or purchased at less than the estimated cost.

In addition, the recommendation may include a provision that Lake Tahoe Restoration projects, MSHCP development projects, and Conservation Initiatives be funded, in that order, before revenues are distributed among the remaining expenditure categories. The final recommendation may include any special line-item funding requests, including funds for a Special Account Reserve and Pre-Proposal Planning reserve. Instances in which funding for an acquisition is recommended from both the SNPLMA and FLTFA Special Accounts will be noted. The Nevada FLTFA Recommendation for acquisitions under the FLTFA is transmitted separately to the Land Transaction Facilitation Council. The SNPLMA Final Recommendation for the acquisition and project categories pursuant to the SNPLMA are transmitted to the Secretary of the Interior through the Office of the BLM Director. The SNPLMA Final Recommendation is transmitted to the Secretary of Agriculture by the USDA Forest Service Executive Committee member.

The Final Recommendation will not be made public because it is subject to change by the Secretary of the Interior who has the ultimate authority to make all decisions regarding

expenditure of funds from the Special Account. Following Secretarial decision, the approved projects will be posted on the SNPLMA website.

B. Final FLTFA Recommendation

The Land Transaction Facilitation Council considers the Nevada FLTFA Recommendation of the Executive Committee for FLTFA acquisitions and assembles a Final FLTFA Recommendation. The Final FLTFA Recommendation specifies the land and/or interest in land recommended for acquisition under the FLTFA in all states. The Final FLTFA Recommendation is transmitted by the Council to the Secretary of the Interior and the Secretary of Agriculture.

Secretarial Review and Approval

The Secretary of the Interior, in consultation with the Secretary of Agriculture, makes the final decision regarding expenditures under the SNPLMA and has the authority to make any changes to the final recommendation. The Secretary of the Interior and the Secretary of Agriculture jointly make the final decision regarding expenditures under the FLTFA. The Secretaries' decisions consist of a list, in priority order, of acquisitions and projects for each category of allowable expenditure and a budget figure for each category under each Act. Any unspent balance will remain available within the respective project category.

VI. LAKE TAHOE RECOMMENDATION DEVELOPMENT PROCESS

Lake Tahoe Restoration Projects may be nominated by any entity but projects must be vetted through the Partnership Coordination Team (PCT) (described below) and must be the responsibility of the Federal government in the Tahoe Environmental Improvement Program (which projects may be part of a larger project that involves non-Federal entities) and have a willing and ready Federal sponsor. The process for submitting and reviewing Lake Tahoe Restoration projects is separate and distinct, but generally parallel to the SNPLMA process (see Figure 3 below).

Nomination of Lake Tahoe Restoration Projects

The Lake Tahoe nomination process is parallel to, but separate from, the SNPLMA nomination process. The timeframe for the Lake Tahoe nomination process will generally coincide with the SNPLMA nomination process such that the Lake Tahoe Final Recommendation is submitted with adequate time for the SNPLMA Executive Committee consideration and inclusion in to the SNPLMA Final Recommendation, which is transmitted to the Secretary for approval. If the SNPLMA schedule for a round of nominations is not compatible with the Lake Tahoe annual nomination and recommendation schedule, the Executive Committee may elect to accept a TREX Final Recommendation and submit it separately from the next SNPLMA Final Recommendation provided sufficient additional SNPLMA revenue is projected to fund the Tahoe projects.

The Tahoe Working Group (TWG) receives nominated projects and will consider projects that have been vetted through the Partnership Coordination Team (PCT), which consists of